

COURT OF APPEAL FOR ONTARIO

THE HONOURABLE ASSOCIATE
CHIEF JUSTICE OF ONTARIO

THE HONOURABLE JUSTICE
SHARPE

THE HONOURABLE JUSTICE
JURIANSZ

MONDAY, THE 26TH

DAY OF OCTOBER, 2009

B E T W E E N:

(Court Seal)

LISA CAVANAUGH, ANDREW HALE-BYRNE, RICHARD VAN DUSEN,
MARGARET GRANGER and TIMOTHY BLACKLOCK

Plaintiffs
(Appellants)

-and-

GRENVILLE CHRISTIAN COLLEGE, THE INCORPORATED SYNOD OF THE DIOCESE
OF ONTARIO, CHARLES FARNSWORTH, BETTY FARNSWORTH, J. ALASTAIR HAIG,
MARY HAIG

Defendants
(Respondents)

ORDER

THIS APPEAL by the Plaintiffs (Appellants) from the Order of J. Perell dated March 4th 2009^{ST.} was heard on October 26, 2009 at the Court of Appeal, 130 Queen Street, West, Toronto, Ontario.

ON READING the materials filed including, The Appeal Book and Compendium, The Appellants' Factum, The Appellants' Brief of Authorities, The Respondents' Facta and The Respondents' Briefs of Authorities and on hearing the submissions of the lawyers for the

Plaintiffs (Appellants) and the Defendants (Respondents), Grenville Christian College, Charles Farnsworth, Betty Farnsworth, J. Alastair Haig and Mary Haig, no one appearing for the Incorporated Synod of the Diocese of Ontario,

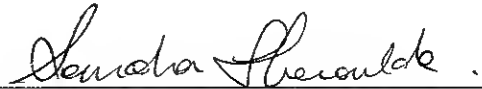
1. THIS COURT ORDERS THAT the plaintiffs' appeal from the Order of the Honourable Justice P. Perell dated ^{"March" ST} ~~May~~ 4, 2009 is allowed in part in that:

- (a) The said Order of Perell J. is set aside in respect of paragraphs 25, 30, 32(g), 32(h), (excepting the words "real or remain struck"), 32(j), 33(a), 33(d), 33(h), 33(i) and 33(aa) of the Amended Statement of Claim.
- (b) The plaintiffs are hereby given leave to plead the theory that the Respondents committed to educate the children in accordance with the Anglican faith and values and breached their duty to do so by promoting and indoctrinating the students with fundamentally different religious values, thereby causing them harm. To the extent that facts pleaded in the paragraphs struck by Perell J. could be advanced in support of this theory, the plaintiffs are entitled to plead those facts as part of that theory.

In all other respects, the appeal is dismissed.

2. THIS COURT ORDERS THAT the costs of this appeal are fixed in the amount of \$5,000.00, inclusive of disbursements and GST, and are payable in the cause.

THIS ORDER BEARS INTEREST at the rate of 2 per cent per year commencing on
October 26, 2009.



(Signature of Judge)

SANDRA THEROULT
Deputy Registrar
COURT OF APPEAL FOR ONTARIO
RCP-E 59C (July 1, 2007)

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ON/BOOR NO:
LE/DANS LE REGISTRE NO: ST

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LISA CAVANAUGH et al.
Plaintiffs
(Appellants)

-and- GRENVILLE CHRISTIAN COLLEGE et al.
Defendants
(Respondents)

Court File No. C50253

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PROCEEDING COMMENCED AT
TORONTO

ORDER

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